

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, MAY 11 1982

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING May 11 A.D., 19 82,

IN Regular SESSION. PRESIDENT Samuel J. Talarico

IN THE CHAIR, AND Charles W. Westerman CLERK, AT THE DESK,

PRESENT THE FOLLOWING MEMBERS _____ VIZ:

BRADBURY ✓, BURNS ✓, EISBART ✓,

GiaQUINTA ✓, NUCKOLS A, SCHMIDT ✓,

SCHOMBURG ✓, STIER ✓, TALARICO ✓,

ABSENT _____

COUNCILMAN _____, _____, _____,

THE INVOCATION WAS GIVEN BY _____

RECEIVED REPORT FROM THE CITY CONTROLLER FOR THE MONTH OF
_____, 19 _____. MOTION MADE AND CARRIED THAT REPORT BE MADE
A MATTER OF RECORD AND PLACED ON FILE.

THE MINUTES OF THE LAST REGULAR April 13, 19 82,

April 27, 19 82,

SPECIAL , 19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED
AND PUBLISHED.



The City of Fort Wayne

OFFICE OF THE CITY CLERK

Charles W. Westerman, Clerk — Room 122

April 29, 1982

To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Today, April 29th 1982, I have approved the following ordinances passed by the Common Council at its regular meeting of April 27, 1982

(Bill No. A-82-04-07)
APPROPRIATION ORDINANCE NO. A-01-82

AN ORDINANCE appropriating additional funds from the Aviation General to the Construction Fees-Building Account in the 1982 Budget of the Board of Aviation Commissioners

(Bill No. A-82-04-08)
APPROPRIATION ORDINANCE NO. A-02-82

AN ORDINANCE appropriating additional funds from the Park General Fund to Part-time and Seasonal Payroll, FICA-Employer's Share, Unemployment Compensation, Recreation Supplies, and Other Equipment in the 1982 Budget of the Parks and Recreations Department

(Bill No. S-82-04-01)
SPECIAL ORDINANCE NO. S-62-82

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$3,100,000 OF MUNICIPAL BONDS OF 1982 BY THE CITY OF FORT WAYNE, INDIANA FOR THE PURPOSE OF STREET IMPROVEMENTS

(Bill No. S-82-04-09)
SPECIAL ORDINANCE NO. S-63-82

AN ORDINANCE approving a certain bid document for the purchase of batteries needed throughout the year in various departments

(Bill No. S-82-04-10)
SPECIAL ORDINANCE NO. S-64-82

AN ORDINANCE ratifying bids and tentatively awarding contracts of the City of Fort Wayne Park District 1981 General Obligation Bond Issue

(Bill No. S-82-04-11)
SPECIAL ORDINANCE NO. S-65-82

AN ORDINANCE approving a certain bid document for the purchase of tires for the Board of Safety

(Bill No. S-82-04-12)
SPECIAL ORDINANCE NO. S-66-82

AN ORDINANCE approving a certain bid document for the purchase of turf fertilizer and turf fertilizer with herbicide for the Parks and Recreations Department

(Bill No. S-82-04-15)
SPECIAL ORDINANCE NO. S-67-82

AN ORDINANCE establishing and authorizing user fees with respect to the Humane Shelter

(Bill No. R-82-04-03)
RESOLUTION NO. R-24-82

A RESOLUTION FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$2,500,000 ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING THE APPLICANT, HEALTH CARE FUND TO PROCEED WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT

(Bill No. R-82-04-04)
RESOLUTION NO. R-25-82

A RESOLUTION FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$1,300,000 ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING THE APPLICANT, AN INDIANA GENERAL PARTNERSHIP TO PROCEED WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT

(Bill No. R-82-04-06)
RESOLUTION NO. R-26-82

SUPPLEMENTARY INDUCEMENT RESOLUTION FINDING, DETERMINING, RATIFYING AND CONFIRMING A SUPPLEMENTARY INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION; APPROVING THE ASSIGNMENT OF THE RIGHTS AND OBLIGATIONS OF CHILD WORLD, INC. UNDER RESOLUTION NO. R-10-82 AND RELATED INDUCEMENT AGREEMENT TO ANTHONY A. PETRARCA; AND APPROVING THE RELEASE OF CHILD WORLD FROM ANY FURTHER LIABILITY WITH RESPECT THERETO OR TO THE TRANSACTIONS CONTEMPLATED THEREBY

(Bill No. S-82-04-16)
SPECIAL ORDINACE NO. S-68-82

AN ORDINANCE approving an Agreement between the Board of Commissioners of Allen County, Indiana and the City of Fort Wayne, Indiana for Allen County animal control.

(Bill No. S-82-04-19)
SPECIAL ORDINANCE NO. S-69-82

AN ORDINANCE approving Change Order No. 5 for Res. 313-80, Mardego-Limberlost, EPA C-180599-06 in connection with the Board of Public Works

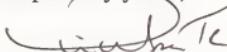
(Bill No. S-82-04-20)
SPECIAL ORDINANCE NO. S-70-82

AN ORDINANCE approving City Utilities Purchase Order No. A-011096 with Hefner Chevrolet for 1/2 ton pick-up truck for the Filtration Plant

(Bill No. S-82-04-21)
SPECIAL ORDINANCE NO. S-71-82

AN ORDINANCE approving Change Order No. 3 for Res. 318-80, Campus Court Pump Station, C-180599-06 in connection with the Board of Public Works

Respectfully yours,



Win Moses, Jr.
Mayor



The City of Fort Wayne

OFFICE OF THE CITY CLERK
Charles W. Westerman, Clerk — Room 122

April 16, 1982

To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Today, April 16, 1982, I have approved the following ordinances passed by the Common Council at its regular meeting of April 13, 1982.

(Bill No. S-82-03-10)
SPECIAL ORDINANCE NO. S-60-82

AN ORDINANCE approving Civil City Purchase Order No. A-15942 with Baltimore Paint and Chemical Company for traffic paint for the Traffic Engineering Department

(Bill No. R-82-04-13)
RESOLUTION NO. R-22-82

A RESOLUTION authorizing the temporary advancement of funds from the Electric Utility Fund, Revenue Sharing Trust Fund, Motor Vehicle Highway Fund, and Local Road and Street Fund to the General Fund for the period ending December 31, 1982

(Bill No. S-82-03-04)
SPECIAL ORDINANCE NO. S-59-82

AN ORDINANCE amending certain sections of the Municipal Code of the City of Fort Wayne, Indiana relative to traffic violations

(Bill No. S-82-04-14)
SPECIAL ORDINANCE NO. S-61-82

AN ORDINANCE extending the time to apply for pet owner permits

(Bill No. Z-81-09-07)
ZONING MAP ORDINANCE NO. Z-09-82

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. I-2

(Bill No. Z-82-01-17)
ZONING MAP ORDINANCE NO. Z-10-82

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-2

(Bill No. G-82-03-13)
GENERAL ORDINANCE NO. G-05-82

AN ORDINANCE amending certain Sections of Chapter 17 of the Code of the City
of Fort Wayne, Indiana of 1974

(Bill No. R-82-02-16)
DECLARATORY RESOLUTION NO. R-20-82

A DECLARATORY RESOLUTION designating an "Urban Development Area" under
I.C. 6-.1-12.1

(Bill No. R-82-04-05)
RESOLUTION NO. R-21-82

A RESOLUTION commending the people of Fort Wayne, Indiana, and environs
for their courage and unselfishness in this recent flood disaster

(Bill No. R-82-04-22)
RESOLUTION NO. R-23-82

A RESOLUTION in support of the Fort Wayne Hunger March

Respectfully yours,



Win Moses, Jr.
Mayor



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

28 April 1982

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment to the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. G-81-11-09

Respectfully submitted,

CITY PLAN COMMISSION

A handwritten signature in black ink, appearing to read "Dennis J. Grotjan". Below the signature, the name is printed in a smaller font.

Dennis J. Grotjan
Secretary

Certified and signed this
28th day of April 1982.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

28 April 1982

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

The following is the recommendation of the City Plan Commission on one (1) amendment to the zoning ordinance acted upon by the Plan Commission at their regular meeting held April 26, 1982. The following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-81-11-09
2. Synopsis of Ordinance: Amendment will permit Antique Shops and Penny Arcades in the B-1-B zoning district instead of the B-3-B District.

3. Plan Commission Recommendation: DO NOT PASS

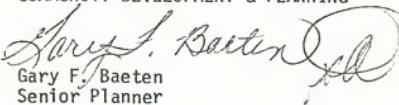
This ordinance received a DO NOT PASS recommendation for the following reason:

- a. The Commission felt they should not move video game operations into B-1-B Districts.
- b. The Commission also felt any consideration given to moving such uses from one district to another should be done on a comprehensive basis.

If there are any questions with regard to this ordinance, please feel free to call on us.

Sincerely,

COMMUNITY DEVELOPMENT & PLANNING


Gary F. Baeten
Senior Planner

GFB:pb



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

28 April 1982

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

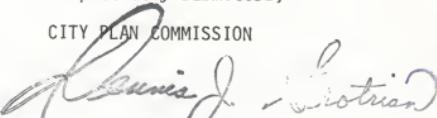
Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment on the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-82-02-03

Respectfully submitted,

CITY PLAN COMMISSION


Dennis J. Groffian
Secretary

Certified and signed this
28th day of April 1982.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

28 April 1982

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held April 26, 1982. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-82-02-03
2. From: R3/B3B/M1 to M2
3. Intended Use: RKO Bottlers Expansion
4. Plan Commission Recommendation: DO PASS as Perfected

PERFECTION: The East 60 feet of Lot #47 in Northside Addition is to be eliminated from the petition as part of the rezoning.

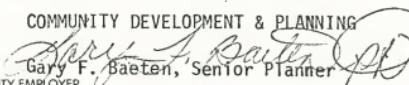
This ordinance received a DO PASS recommendation for the following reasons:

- a. the rezoning will not be injurious to the public health, safety, morals, and general welfare of the community;
- b. the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- c. the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- d. the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- e. the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

If there are any questions with regard to this ordinance please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING


Gary F. Baeten, Senior Planner

AN EQUAL OPPORTUNITY EMPLOYER

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 9, 1982, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-82-02-03; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 15, 1982;

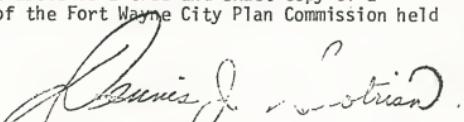
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend by a motion by Joyce Schlatter, seconded by Dennis Grotrian that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

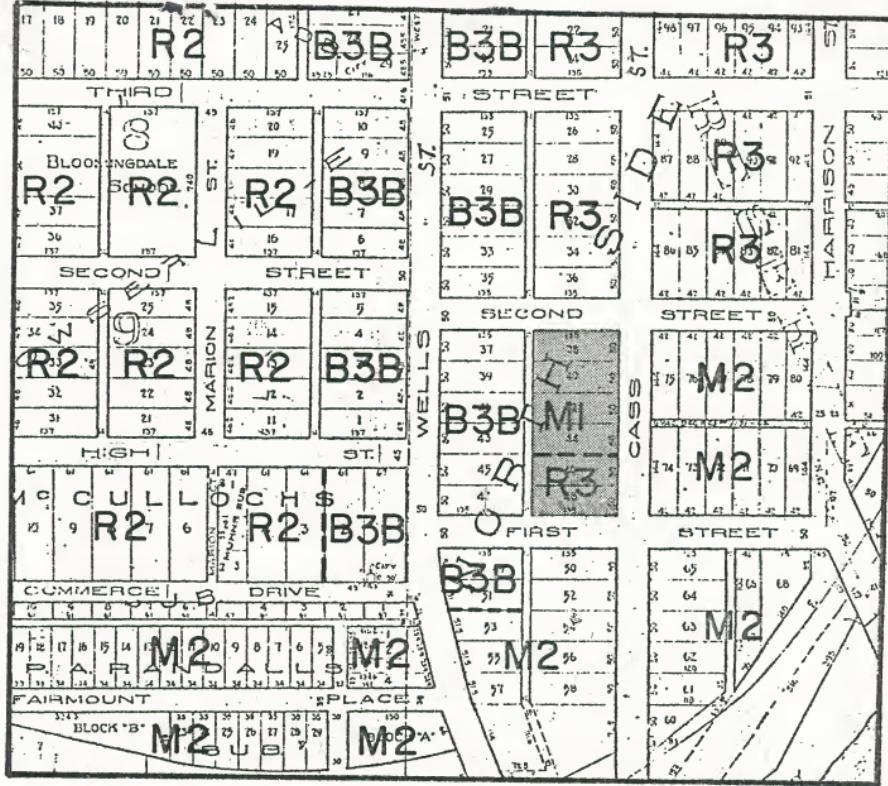
- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 26, 1982.

Certified and signed this
28th day of April 1982.


Dennis J. Grotrian
Secretary



ZONING RECLASSIFICATION FROM A
B3B, MI & R3 TO AN M2 DISTRICT.

MAP NO. L-10

Z-82-02-03 (AS AMENDED)

BY G.R. LAX I-19-82



The City of Fort Wayne

29 April 1982

TO: Common Council
City of Fort Wayne

RESOLUTION
OF THE
CITY PLAN COMMISSION

BE IT HEREBY RESOLVED that the City Plan Commission on April 26, 1982 recommended DO PASS for the Westwood Valley annexation. Annexation Bill No. X-82-02-25 and Resolution No. R-82-02-26.

Certified and signed this
29th day of April 1982.

Dennis J. Grotrian
Secretary

Memorandum

To Members of Common Council Date 29 April 1982
From Michael Graham, Planner II, CD&P
Subject Westwood Valley

COPIES TO:

Common Council
John Logan
file

At the April 26, 1982 meeting of the City Plan Commission, the Commission passed a resolution recommending that the Westwood Valley annexation, Bill No. X-82-02-25 and Resolution No. R-82-02-26, be given a DO PASS. A copy of the Commission resolution and the annexation fiscal plan are attached for your consideration. The ordinance and annexation resolution have been returned to the Council for action.

/kas

LAW OFFICES
GROTRIAN & BOXBERGER

SUITE 200 METRO BUILDING

BERRY & HARRISON

FORT WAYNE, INDIANA 46802

DENNIS J. GROTRIAN
BRUCE O. BOXBERGER
JOHN J. WERNET
PHILLIP A. RENZ
T. DEAN SWIHART
GREGORY M. ANTALIS

TELEPHONE
AREA CODE 219
423-3595

May 10, 1982

Mr. Charles Westerman, City Clerk
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Re: Introduction of Sewer Revenue Bond Ordinance,
Waterwork Revenue Bond Ordinance and Sewer
Connection Bond Ordinance.

Dear Mr. Westerman:

The City wishes to introduce at the May 11 meeting of the Common Council of the City of Fort Wayne three ordinances referred to above. These ordinances require the approval of bond counsel in Indianapolis and the approval of my office and as of this time, they are not ready to be given to you.

The titles of two of the ordinances I can give you and they are as follows:

First, the sewer revenue bond is entitled "An Ordinance concerning the construction of additions and improvements to the sewage works of the City of Fort Wayne, the issuance of revenue bonds to provide the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the holders of said revenue bonds, other matters connected therewith and repealing ordinances inconsistent therewith";

Second, the waterworks refunding ordinance entitled "An Ordinance concerning the refunding of an indebtedness of the municipal waterworks incurred for the acquisition of water facilities by the municipal waterworks of the City of Fort Wayne, authorizing the issuance of revenue bonds to provide for the cost thereof, matters connected therewith and repealing ordinances in conflict therewith." We will have them in your office as soon as is possible.

Thank you for your consideration.

Sincerely yours,
Bruce O. Boxberger

Bruce O. Boxberger
City Attorney (Corporate Counsel)

BOB:lcs

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 11th day of May, 1982 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 13rd day of May, 1982.

Charles W. Westerman
Charles W. Westerman
City Clerk